

MAINE STATE LEGISLATURE

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SEN. CHARLES P. PRAY
CHAIR

REP. DAN A. GWADOWSKY
VICE-CHAIR

STATE OF MAINE

115th LEGISLATURE

LEGISLATIVE COUNCIL

SEN. NANCY RANDALL CLARK
SEN. DENNIS L. DUTREMBLE
SEN. CHARLES M. WEBSTER
SEN. PAMELA L. CAHILL
REP. JOHN L. MARTIN
REP. JOSEPH W. MAYO
REP. WALTER E. WHITCOMB
REP. FRANCIS C. MARSANO

SARAH C. TUBBESING
EXECUTIVE DIRECTOR

LEGISLATIVE COUNCIL

Wednesday, September 11

MEETING SUMMARY

APPROVED OCTOBER 14, 1991

CALL TO ORDER

The meeting of the Legislative Council was called to order in the Council Chambers by the Chair, Sen. Pray, at 3:36 p.m.

ROLL CALL

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| Senators: | Sen. Pray, Sen. Clark, Sen. Dutremble, Sen. Cahill Absent: Sen. Webster |
| Representatives: | Rep. Gwadosky, Rep. Mayo, Rep. Marsano Absent: Rep. Martin, Rep. Whitcomb |
| Legislative Officers: | Sally Tubbesing, Executive Director, Legislative Council Lynn Randall, State Law Librarian John Wakefield, Director, Office of Fiscal and Program Review Martha Freeman, Director, Office of Policy and Legal Analysis David Kennedy, Revisor of Statutes Joy O'Brien, Secretary of the Senate |

SECRETARY'S REPORT

The Summary of the August 22, 1991, Council meeting was approved and placed on file. (Motion by Rep. Marsano; second by Rep. Mayo; unanimous).

EXECUTIVE DIRECTOR'S REPORT

Sally Tubbesing, Executive Director, drew Council members' attention to letters that David Kennedy had just sent to all members of the Legislature and to lobbyists reminding them of the cloture deadline. Sen. Cahill inquired whether the cloture date for executive agencies had changed, and Mr. Kennedy responded that the Council had voted last spring to establish the same cloture date for both legislators and departments. Departments are required to file complete bills, and legislators are not since their bills must be screened first by the Council. Sen. Cahill noted that the departments are concerned about the very limited time between adjournment sine die in July and cloture.

No Council action was required.

REPORTS FROM COUNCIL COMMITTEES

Personnel Committee

Rep. Gwadosky, Committee Chair, reported that the Committee had met for most of the day on August 29 and presented the following recommendations on behalf of the Committee:

Personnel Policies Manuals for Senate and House Staff

Motion: That the Legislative Council adopt Personnel Policies and Guidelines for both Leadership staff and staff in the offices of the Secretary of the Senate and Clerk of the House, as they had appeared in draft form, with the following changes:

1. That the policy regarding Legislative Leave be replaced with language that gives Leaders and the Secretary and Clerk discretion to award administrative leave to their staff; and
2. That the policy regarding Overtime for staff under the supervision of the Secretary of the Senate and Clerk of the House be replaced by language that gives the Secretary and Clerk discretion to award administrative leave to reflect overtime worked on an interim basis; and, further, that this leave is to be cashed out for all part-time employees at the end of the session.

(Motion by Rep. Gwadosky; second by Sen. Cahill).

Discussion

Rep. Gwadosky reported that the Committee had reviewed the draft manuals that had been developed a year ago by a working group comprised of a representative from each of the leadership offices, as well as the offices of the Secretary of the Senate and the Clerk of the House. The Personnel Committee had reviewed both drafts to insure

consistency; in addition, the Committee had reviewed two policies which the working group had not finally resolved - Overtime (including the issue of Compensatory Time) and Legislative Leave.

Finally, Rep. Gwadosky noted that the Committee had also begun reviewing the existing Income Protection policy, and, specifically, its appropriateness for Maternity Leave, reporting that the Committee had not yet reached any final conclusions but would report to the Council at a later meeting.

The motion was adopted (6-1).

Motion: That the Legislative Council direct the Executive Director to explore the cost involved in hiring an outside firm to conduct a formal Classification and Compensation Study of all positions in the Offices of the Secretary of the Senate and the Clerk of the House (except those positions currently set by statute) and Chamber Staff and, further, that such a study be given the highest priority if funds are available in the current fiscal biennium. (Motion by Rep. Gwadosky; second by Sen. Clark).

Discussion

Rep. Gwadosky stated that this recommendation evolved from the Committee's discussion of Legislative Leave and Overtime/Compensatory Time, noting that if the Council was to realize its goal of establishing consistency across all legislative offices, it is essential that all positions be formally classified.

The motion was adopted (6-1).

Meal Allowance

Rep. Gwadosky reported that the Committee had discussed the financial impact that extended days had on many legislative employees whose job responsibilities prevented them from eating meals at home that they would normally expect to. While all other state employees are eligible to claim reimbursement for the evening meal if they work beyond the normal 8 am - 5 pm workday, there has been no comparable policy for legislative employees. He offered a proposed policy that had been drafted for the Personnel Committee's consideration, noting that it was not as broad as the policy for other state employees, but that it focussed solely on the extraordinary overtime situations that are due to extended legislative sessions.

Motion: That the Legislative Council adopt the proposed policy regarding a Meal Allowance and that it be extended to all legislative staff and, further, that the Executive Director be directed to develop the necessary administrative procedures necessary to implement the policy. (Motion by Rep. Gwadosky; second by Rep. Mayo; approved 6-1).

Compensatory Time

Rep. Gwadosky reminded Council members that the Committee had been asked at the August Council meeting to review the issue of "excess" compensatory time - i.e., comp time that individuals had accrued above the 120 hour cap due to the demands of the session - and to develop a recommendation for the full Council about how to address the issue. He reported that, after careful review, the Committee had decided that it would essentially recommend no action for several reasons. First, the cost of cashing out the excess time, which totalled nearly 3,000 hours across all legislative offices, would be prohibitive (est. \$100,000) given the current budget constraints. Second, the Committee concluded that cashing out could have long-term effects on the integrity of the Legislature's compensation system. Rep. Gwadosky added that the Committee had concluded that it would be more important for the Council to pursue the issue of maintaining salary parity with staff in the executive branch, noting that it appears that all employees in both the executive and judicial departments received a 7% cost-of-living increase effective July 1, with the understanding that each employee would take an established number of unpaid days, including both shut-down and furlough days. Rep. Gwadosky reported that the Committee wished to continue pursuing this issue.

No Council action was required.

Reappointments of Directors

Rep. Gwadosky reported that the Committee had completed two annual performance reviews and offered the following motions:

Motion: That Lynn Randall be reappointed to a new 3-year term as the State Law Librarian and, further, that she be awarded a step increase from Step 3 to Step 4 in her assigned salary range, Range 14. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

Motion: That Sally Tubbesing be reappointed to the position of Executive Director of the Legislative Council for a new 3-year term and, further, that she be awarded a step increase to Step 8, a longevity step in recognition of having completed more than 8 years of service in her position. (Motion by Rep. Gwadosky; second by Sen. Clark; unanimous).

The Chair, Sen. Pray, congratulated both Ms. Randall and Ms. Tubbesing on their reappointments.

OLD BUSINESS

Item #1: Proposed Procedures for Council Review and Approval of Applications to Use Capitol Park (Tabled at August 22 meeting)

Motion: That the item remain on the Table until the October Council meeting. (Motion by Rep. Mayo; second by Sen. Dutremble; unanimous).

NEW BUSINESS

Item #1: Correspondence from Jon Oxman, Chair, Special Committee on the New Capital Area Master Plan

The Chair, Sen. Pray, noted that David Silsby was unable to attend the Council meeting and suggested that the item be tabled until he had an opportunity to meet with the Council.

Motion: That the item be tabled. (Motion by Sen. Dutremble; second by Sen. Cahill; unanimous).

Item #2: Correspondence from Director of Capitol Security regarding Parking Violation Fees.

The Chair, Sen. Pray, observed that the effect of the Legislature's action during the First Regular Session had been to eliminate the "hierarchy" of parking fees: now, there is a single fee of \$10, regardless of the type of violation.

Discussion

Sen. Clark asked if there was information about the revenues that are generated by parking tickets, and the Chair directed the Executive Director to pursue this question and bring the information to the next Council meeting. Rep. Marsano then inquired whether there was any way to reserve some parking spaces close to the State House for those legislators whose physical impairment is not sufficient to make them eligible for designated handicapped spaces.

There was consensus that the law should be amended once the Council had an opportunity to review additional information. The Council took no formal action at this time.

ANNOUNCEMENTS AND REMARKS

Notices of Future Meetings

The Chair, Sen. Pray, reminded Council members of two previously-scheduled meetings.

*** October Council Meeting ***

10:00 a.m.

Monday, October 14

Agenda: Screening of bill requests for
Second Regular Session

*** Committee on Legislators' Expenses ***

Thursday, September 12

3:30 p.m.

Rep. Mayo's Office

Rep. Mayo also reported that he, Gerry Thibault and Marc Martin, both on the Information Systems staff, would be going to Montpelier, Vermont, the following week to discuss their use of computers for redistricting. He noted that the other members of the Council's Redistricting Planning Committee had also been invited.

ADJOURNMENT

The Council meeting was adjourned at 4:13 p.m., on the motion of Sen. Cahill.